

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 6: 21-mj-1819

DARIUS MILES

ORDER SETTING
CONDITIONS OF RELEASE

IT IS ORDERED that the release of the defendant is subject to the following conditions and provision:

- (1) The defendant **must not violate** any federal, state or local law while on release in this case.
- (2) The defendant **must cooperate** in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant **shall not change residence** without advance approval from the Pretrial Services Office and must immediately advise the court, Pretrial Services Officer, defense counsel and the U.S. Attorney in writing of any change in address and/or telephone number.
- (4) The defendant **must appear** at all proceedings as required and must surrender for service of any sentence imposed as directed. The defendant shall next appear in the United States Courthouse, 401 W. Central Boulevard, Orlando, FL 32801, in the Courtroom directed upon notice, or appear in the district in which the charge(s) were filed.
- (5) The defendant **must report** as soon as possible to the Pretrial Services Officer any contact with law enforcement personnel, including but not limited to any questioning, traffic stop or arrest.
- (6) The defendant **must refrain from any use of possession of a narcotic drug or other controlled substance listed in 21 U.S.C. § 802**, unless with prior written approval of the Pretrial Services Officer or as may be lawfully prescribed in writing by a licensed medical practitioner.
- (7) Defendant **shall not** attempt to influence, intimidate, threaten, injure, tamper with, or retaliate against any juror, judicial officer, witness, victim, informant or family members thereof in this case.

- (8) If ordered to comply with drug testing or location monitoring, the defendant **must refrain from tampering with, obstructing, or attempting to obstruct or tamper, with the efficiency and accuracy of any such testing or monitoring.**
- (9) If ordered to surrender his or her passport, the defendant **must refrain from seeking any passport or travel documents.**

ADDITIONAL CONDITIONS OF RELEASE

In order to reasonably assure the appearance of the defendant and the safety of other persons in the community, it is **FURTHER ORDERED** that the release of the defendant is subject to the conditions marked below.

 OWN RECOGNIZANCE

X ***PRETRIAL SUPERVISION:** Defendant shall be subject to Pretrial Supervision and shall report as directed by the Pretrial Service Office.

 THIRD PARTY CUSTODIAN: The defendant is placed in the custody of:

Name: _____

Who agrees to: (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

FINANCIAL CONDITION:

- Unsecured Bond:** Upon defendant executing an unsecure bond binding the defendant to pay the United States the sum of \$ _____ in the event of failure to appear as required or to surrender as directed for service of any sentence imposed.
- Secured Bond:** Upon defendant providing a secured bond guaranteeing payment to the United States the sum of \$ _____ in the event of a failure to appear as required or to appear for service of any sentence imposed.

FIREARMS AND WEAPONS:

X ***Refrain from having in the defendant's residence, or otherwise in the defendant's possession, any firearm, ammunition, destructive device, or other dangerous weapon.**

EMPLOYMENT/EDUCATION:

- Maintain or actively seek verifiable employment.
- Maintain or commence and education program.

RESIDENCE AND TRAVEL:

- *Defendant's travel and residence is restricted to the Middle District of Florida and travel restricted to the United States, if applicable, the district where the charge is pending as necessary for court appearances.

PASSPORT/TRAVEL DOCUMENTS:

- Surrender any passport.
- prior to release, or
- to Clerk, U.S. District Court, by 4:00 p.m. on _____ not to obtain any passport or travel document.

LOCATION MONITORING:

- *Defendant will participate in the **Location Monitoring program and abide by all the rules of the program, with:**
 - global position satellite monitoring; or
 - electronic monitoring;
and will pay all or part of the costs of electronic monitoring as determined by pretrial services:
- Curfew:** You are restricted to residence everyday from _____ to _____, or as directed by the Pretrial Services Officer.
- Home Detention:** You are restricted to your residence at all times except for employment; education, religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services Officer.
- Home Incarceration:** You are restricted to your residence at all times except for medical needs or treatment, religious services, meetings with counsel regarding this case, and court appearances pre-approved by the Pretrial Services Officer.
- Stand Alone Monitoring:** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
- Note:** Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

PSYCHOLOGICAL:

- Participate in a psychiatric and/or mental health assessment/evaluation and/or treatment, as directed by Pretrial Services Officer with costs to be borne by defendant, as determined by Pretrial Services Officer.

ALCOHOL:

- Refrain from use of alcohol.
- Refrain from excessive use of alcohol.

DRUG TESTING AND TREATMENT:

- ____ Submit to any method of testing required by the Pretrial Services Officer or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- ____ Participate in a program of inpatient or outpatient substance abuse testing, education and/or program if deemed advisable by Pretrial Services Officer and pay a percentage of the fee as determined by Pretrial Services Officer.

ADDITIONAL ADAM WALSH ACT CONTACT WITH MINORS:

- ____ No contact with minors.
- ____ No contact with minors without a responsible adult present.

COMPUTER/TECHNOLOGY RESTRICTIONS:

DEFENDANT'S RESIDENCE SHALL NOT HAVE OR CONTAIN:

- ____ Any internet service or provider; and
- ____ Any internet access device (including but not limited to any computer, smart phone, hand-held computing device, or gaming console); and
- ____ Any medium capable of storing content from the internet (for example, a flash drive, a compact disc, a floppy disk, and cloud based storage); and,
- ____ Encrypted data or content, or any device capable of encrypting data or content.

DEFENDANT SHALL NOT POSSESS OR USE:

- ____ Any internet access device (including, but not limited to any computer, smart phone, hand-held computing device, gaming console or Smart Television). This prohibition applies to all locations, whether public or private, such as libraries, internet cafes, your place(s) of employment, educational facilities or any other third-party locations; and
- ____ Any medium capable of storing content from the internet (for example, a flash drive, a compact disc, a floppy disk and cloud based storage); and
- ____ Encrypted data or content, or any device capable of encrypting data or content.

AT WORK, NOTWITHSTANDING THE FOREGOING, DEFENDANT:

- ____ **MAY:**
- ____ **MAY NOT:**
 - use a computer at work solely for work purposes and shall not access any illegal or prohibited content. Defendant and his employer must permit routine inspection of the device or medium to confirm adherence to this condition. You must inform your employer and any other third party this condition might affect of this condition, including the inspection provision. The United States Pretrial Services Office must conduct any inspections in a manner no more intrusive than necessary to ensure compliance with this condition.

IDENTIFICATION AND CREDIT:

- ____ Defendant shall not possess any identification document of a third-party, including but not limited to passport, social security cards, driver license.
- ____ Defendant shall not apply for any new line or form of credit whatsoever without prior written approval from the Pretrial Services Officer.

ADDITIONAL CONDITIONS:

**ADVICE OF PENALTIES AND SANCTIONS TO THE DEFENDANT:
YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS.**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony, or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant, to retaliate or attempt to retaliate against a witness, victim or informant, or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of: (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years or both;

(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisonment not more than five years or both;

(3) any other felony, you shall be fined not more than \$250,000 or imprisonment not more

than two years or both;

(4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

ACKNOWLEDGEMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

6100 Cypress Hill Road

Address of Defendant

Winter Garden, FL 34787

City and State

Telephone

DIRECTIONS TO THE UNITED STATES MARSHAL

X

The defendant is **ORDERED** released after processing.

The United States Marshal is **ORDERED** to keep defendant in custody until notified by the Clerk or Judicial Officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: October 7, 2021.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies to:
Pretrial Services Office
Defendant
U. S. Marshal

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 21-MJ-1819

DARIUS MILES

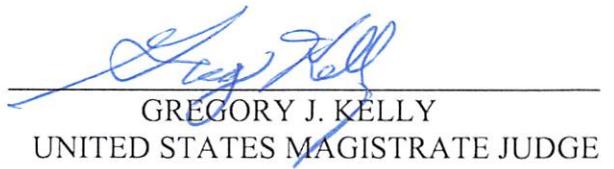
ORDER APPOINTING
FEDERAL PUBLIC DEFENDER

Because the above named defendant has testified under oath or has otherwise satisfied this Court that he: (1) is unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, it is

ORDERED that the Federal Public Defender is appointed to represent the above named defendant for proceedings in this District in this case.

FURTHER ORDERED that the defendant is required to contribute ~~\$500~~ ^{\$500} to the cost of this representation, payable to the Clerk of Court within 30 days from this date.

DONE and ORDERED in Orlando, Florida on October 7, 2021.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Attorney
United States Marshal
Asst. Federal Public Defender
Pretrial Services Office

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 6:21-1819

DARIUS MILES

AUSA: Dana Hill
Defense Atty.: Nicole Mouakar

U.S. MAGISTRATE JUDGE	Gregory J. Kelly Courtroom 3C		Oct. 7, 2021 2:18-2:28 = 10 mins
DEPUTY CLERK	Kim Anderson	RECORDING	Digital Orlando_Digital_Transcripts@flmd.uscourts.gov
INTERPRETER		PTS/PROB.	Juan Cabrera

**CLERK'S MINUTES
INITIAL APPEARANCE RULE 5C INDICTMENT/BOND HEARING
DEFENDANT TAKEN INTO FEDERAL CUSTODY TODAY**

Case called, appearances made, procedural setting by Court
 Parties advised of Due Process Protections Act
 Dft advised of his rights
 Dft requests appointment of counsel for today's hearing
 Court will appoint FPD for todays hearing dft to contribute \$500.00 to the cost of his representation
 due within 30 days of today's hearing
 No issue as to identity
 Gov summarizes charge(s)/penalties
 Gov requests release on conditions as stated/Dft to report to charging district on 10/25 no time given
 Dft responds regarding conditions/Dft disagrees regarding travel condition
 Court responds to conditions
 Court releases dft on conditions stated
 Court adjourned

U.S. District Court
Middle District of Florida (Orlando)
CRIMINAL DOCKET FOR CASE #: 6:21-mj-01819-GJK All Defendants

Case title: USA v. Miles

Date Filed: 10/07/2021

Date Terminated: 10/07/2021

Assigned to: Magistrate Judge Gregory J.
Kelly

Defendant (1)

Darius Miles

TERMINATED: 10/07/2021

represented by **Nicole Mouakar**

Federal Public Defender's Office

201 S Orange Ave., Ste 300

Orlando, FL 32801-3417

407-772-8851

Fax: 407/648-6765

Email: Nicole_Mouakar@fd.org

ATTORNEY TO BE NOTICED

*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

Disposition

None

Highest Offense Level (Opening)

Disposition

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

Disposition

None

Complaints

Disposition

18:1349.F ATTEMPT AND
CONSPIRACY TO COMMIT MAIL
FRAUD

Plaintiff

USA

represented by **Dana Edward Hill**
US Attorney's Office - FLM*
Suite 3100
400 W Washington St
Orlando, FL 32801
407-648-7500
Fax: 407-648-7643
Email: dana.hill@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
10/07/2021	1	Arrest pursuant to Rule 5(c)(2) of Darius Miles from the Southern District of New York. (KK) (Entered: 10/07/2021)
10/07/2021	2	Minute Entry for In Person proceedings held before Magistrate Judge Gregory J. Kelly: Bond Hearing as to Darius Miles held on 10/7/2021, INITIAL APPEARANCE in Rule 5(c)(3) proceedings held on 10/7/2021 as to Darius Miles from the Southern District of New York. Appearance entered by Nicole Mouakar for Darius Miles on behalf of defendant. (digital) (KK) (Entered: 10/07/2021)
10/07/2021	3	***CJA 23 Financial Affidavit by Darius Miles. (KK) (Entered: 10/07/2021)
10/07/2021	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Darius Miles Nicole Mouakar for Darius Miles appointed. Signed by Magistrate Judge Gregory J. Kelly on 10/7/2021. (KK) (Entered: 10/07/2021)
10/07/2021	5	ORDER Setting Conditions of Release as to Darius Miles (1) See order. Signed by Magistrate Judge Gregory J. Kelly on 10/7/2021. (KK) (Entered: 10/07/2021)
10/07/2021		NOTICE to Southern District of New York of a Rule 5 or Rule 32 Initial Appearance as to Darius Miles regarding your case number: 21CRIM603. Using your PACER account, you may retrieve the docket sheet and any documents via the case number link. No documents/record will be sent. If you require certified copies of any documents please send a request to InterdistrictTransfer_FLMD@flmd.uscourts.gov . If you wish the court to use a different email address in the future, please send a request to update your address to InterdistrictTransfer_TXND@txnd.uscourts.gov . (KK) (Entered: 10/07/2021)